IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36030 of 2007(L)

PETITIONER:

JAYAPRAKASH A.D., S/O. DIVAKARAN,
ARAYAMPARAMBIL VEEDU, PALLIPRAM DESOM,
VALAPPAD VILLAGE, CHAVAKKAD TALUK, VALAPPAD P.O.,
KODUNGALLUR-680 567.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

THE THRISSUR DISTRICT CO-OPERATIVE BANK
LTD., HEAD OFFICE, KURUPPAM ROAD,
THRISSUR-680 001, REPRESENTED BY ITS DEPUTY
GENERAL MANAGER.

BY ADV. SRI.V.G.ARUN,SC,THRISSUR DIST.CO-OP BAN
SRI.T.R.HARIKUMAR, SC -DO-

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 36030 of 2007

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Dated this the 11th day of December, 2007

J U D G M E N T

The petitioner availed a housing loan in 2004, repayable in 100 instalments. The petitioner defaulted some of the instalments leading to the impugned action under the SARFAESI Act.

2. The only plea on behalf of the petitioner is that he may be given an opportunity to regularise the loan by paying all the outstandings and accruals, so that he can avail the facility of the loan by continuing to pay the instalments.

The above submission is recorded and the writ petition is disposed of directing that the petitioner shall appear before the Thriprayar Branch of the respondent and will remit the entire outstandings in terms of what is stated above, to

regularise the loan. Such remittance shall be made within an outer limit of two months from now. The petitioner shall also commence remitting the instalments that may be due from December 2007, promptly. The impugned distress action shall be deferred by two months. On failure of the petitioner to comply with the conditions imposed above, this judgment shall stand recalled automatically and the impugned distress action can promptly follow, without any further notice to the petitioner.

THOTTATHIL B. RADHAKRISHNAN,
Judge

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